

NO. 28224  
Filed with the Secretary of State  
Date Filed: 10-04-07

James K. Shewers  
Secretary of State  
By: Diana Montano

ADOT JPA File No.: 05-094  
**Amendment One**  
AG Contract No.: KR06-0114TRN  
Project: Traffic Signal  
Section: US 95 @Avenue D Somerton  
**TRACS No.: HX172 01C/01D**  
**Budget Source Item No.: 73306 71206**

**AMENDMENT ONE  
INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND  
CITY OF SOMERTON

**THIS AGREEMENT** is entered into this date October 4th, 2007, Attorney General  
No. KR 06-0114TRN, Original Agreement filed with the Secretary of State, May 9<sup>th</sup>, 2006, File No. 28224,  
pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF  
ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY  
OF SOMERTON, acting by and through its MAYOR and CITY COUNCIL (the "CITY").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

**THE PARTIES HERETO AGREE TO AMEND THE FOLLOWING LANGUAGE TO AGREEMENT 05-094:**

Delete and replace Recital 3.

Under the Scope of Work, of the State shall; delete and replace paragraph 1.d, and delete language paragraph 1.e & f. of this Agreement

Under the Scope of Work, of the City shall; delete and replace paragraph 2.g. and add paragraph 2.h of this Agreement.

Delete and replace the following language:

3. The State shall design and construct a four-way traffic signal, roadway, and roadway intersection improvements, on US 95 at Avenue D. Upon completion of the traffic signal installation, intersection roadway improvements and approval by resolution of the State's Transportation Board, the State shall abandon ownership jurisdiction and maintenance responsibilities on US 95 within the limits from milepost 11.1-13.86 hereinafter referred to as the "Project". Upon approval of and by resolution of the Transportation Board, the City shall accept ownership jurisdiction, maintenance and at its own expense, be responsible for the electrical power to operate the traffic signal.

**THEREFORE**, in consideration of the mutual Agreements expressed herein, it is agreed as follows:

**II. SCOPE OF WORK**

## 1. The State shall:

Delete and replace Paragraph 1.d. with the following language:

Upon completion of the Project, and approval, by resolution, of the State's Transportation Board, abandon ownership jurisdiction and maintenance responsibilities on US 95 within the City of Somerton limits from milepost 11.1-13.86

Delete the following language, Paragraph 1.e. & 1.f. from the original Agreement.

## 2. The City shall:

Delete and replace Paragraph 2.g. with the following language:

g. Upon complete completion of the Project, and approval, of and by resolution, of the Transportation Board accept ownership jurisdiction and maintenance responsibilities for US 95 within the City of Somerton limits from milepost 11.1-13.86

h. Upon execution of this Agreement, and completion of the Project by the State, waive the requirements of Arizona Revised Statutes § 28-7209.

All other terms and conditions of the original Agreement shall remain in force and effect.

All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 S. 17<sup>th</sup> Avenue, Mail Drop 616E  
Phoenix, Arizona 85007  
(602) 712-7525  
(602) 712-7424 Fax

City Engineer  
Public Works Director  
110 North State Avenue  
Somerton, Arizona 85350  
Phone: 928-627-8866  
Fax: 928-627-3794

In accordance with Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each party's legal counsel and that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

**IN WITNESS WHEREOF**, the parties have executed this Agreement the day and year first above written.

**CITY OF SOMERTON**

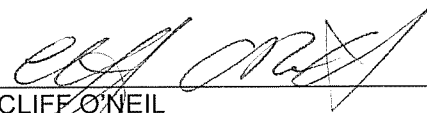
**STATE OF ARIZONA**

Department of Transportation

By   
MIGUEL VILLALPANDO  
Mayor

By   
DOUGLAS A. FORSTIE, P.E.  
Deputy State Engineer, Operations

ATTEST:

By   
CLIFF O'NEIL  
City Clerk

G:\05-018-City of Somerton-Traffic  
Amendment One June 6, 2007-ly  
Final approval August 27<sup>th</sup>, 2007-ly



OFFICE OF THE  
MAYOR  
CITY OF SOMERTON

# *Resolution*

## *NO. 2007 - 042*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOMERTON, ARIZONA AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY MANAGER TO ATTEST TO THE AMENDMENT ONE INTERGOVERNMENTAL AGREEMENT BETWEEN STATE OF ARIZONA AND CITY OF SOMERTON FOR THE ABANDONMENT OWNERSHIP JURISDICTION AND MAINTENANCE RESPONSIBILITIES OF US 95 FROM MILEPOST 11.1 – 13.86

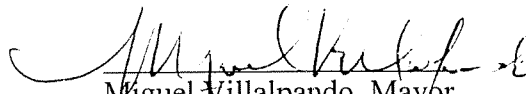
**WHEREAS,** The city is desirous of entering into an Amended Intergovernmental Agreement between the State of Arizona Department of Transportation and City of Somerton for the State to abandon ownership jurisdiction and maintenance responsibilities on US 95 from milepost 11.1 – 13.86, and for the City of Somerton to accept ownership jurisdiction and maintenance responsibilities at its own expense.

**WHEREAS,** The Arizona Department of Transportation is requesting that the City execute the Amendment One Intergovernmental Agreement in order to facilitate construction of a traffic signal at Avenue D and US 95.


**BE IT RESOLVED,** by the Common Council of the City of Somerton, Arizona as follows:

THAT, the City's Mayor is authorized to execute, and City Manager is authorized to attest to, on behalf of the City of Somerton, Arizona, that certain document entitled **"AMENDMENT ONE INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND CITY OF SOMERTON"**.


**PASSED AND ADOPTED** by the Common Council of the City of Somerton, Arizona this 18 day of Sept., 2007.

  
Miguel Villalpando, Mayor

**ATTEST:**

  
Cliff O'Neill, City Clerk

**APPROVED AS TO FORM:**

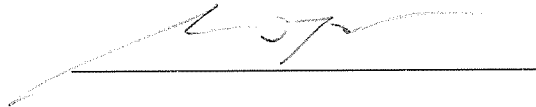
  
Gerald W. Hunt, City Attorney

ATTORNEY APPROVAL FORM


FOR THE CITY OF SOMERTON

I have reviewed the above referenced intergovernmental Agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF SOMERTON, an Agreement among public agencies, which, has been reviewed pursuant to A.R.S. section 11-951 through 11-954, and declares this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 18 day of September, 2007.

A handwritten signature in dark ink, appearing to be "L. J. ...", is written over a horizontal line.

Attorney

<p><b>TERRY GODDARD</b> Attorney General</p>	  <p><b>OFFICE OF THE ATTORNEY GENERAL</b> STATE OF ARIZONA</p>	<p><b>CIVIL DIVISION</b> <b>TRANSPORTATION SECTION</b> Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan Davis@azag.gov</p>
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**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR06-0114TRN (**JPA 05-094**), Amendment No. One, an Agreement between public agencies, i.e., The State of Arizona and The City of Somerton, has been reviewed pursuant to A.R.S. § 11-951 through 11-954, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: September 27, 2007.

TERRY GODDARD  
Attorney General

  
SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

SED:smb:68184  
Attachment